

### **REMARKS**

The present application has claims 1-17 pending. Applicants have herein amended claims 1, 4, 8-10, 14, 16 and 17. Additionally, Applicants have made some minor amendments to the specification. Support for the amendments may be found throughout the subject application, including the originally-filed claims.

The amendments to claims 1, 4, 8-10 and 14 were made to improve the clarity of the claim language. They were not intended to change or restrict the spirit or scope of the invention originally claimed. Additionally, the amendments were not made to overcome any of the rejections set forth in the July 28, 2006 Office Action.

In the July 28<sup>th</sup> Office Action, the Examiner rejected claims 1-15 as anticipated by or rendered obvious by Shibata, et al. (U.S. Patent Pub. No. 2004/0058223), either alone or in combination with a secondary reference. Applicants believe the Shibata, et al. reference has been improperly cited.

The present application claims foreign priority to a German application having a filing date of July 14, 2003. This date is the effective filing date of the present application under 35 U.S.C. §119. The Shibata reference has a U.S. filing date of August 6, 2003. This date is the earliest date for which the Shibata, et al reference may be used as a basis for rejection under 35 U.S.C. §§102 and 103. Accordingly, the Shibata, et al.

reference is not proper prior art under 35 U.S.C. §§102(e) or 103(a) since its earliest effective date as a reference (August 6, 2003) is subsequent to the effective filing date of the present application (July 14, 2003).

In light of the remarks above, Applicants request reconsideration and withdrawal of the rejections under 35 U.S.C. §§102(e) and 103(a), which are based on the Shibata, et al. reference.

The Examiner also rejected claims 16 and 17 under 35 U.S.C. §§112 and 101. Applicants have herein amended claims 16 and 17 and believe that the amendments overcome the Examiner's rejections.

Based on the above remarks, applicants respectfully request reconsideration of the rejections set forth in the July 28, 2006 Office Action. Entry of the present amendment and allowance of the present application are respectfully solicited.

Applicants also acknowledge the citation of the Brunk, et al. reference (U.S. Patent Pub. No. 2005/0100776) by the Examiner as pertinent prior art, but not relied upon as a basis for rejecting the present application. Applicants wish to point out that the Brunk, et al. reference (like the Shibata, et al. reference) is not prior art to the present application. The Brunk, et al. reference claims priority to a provisional application filed



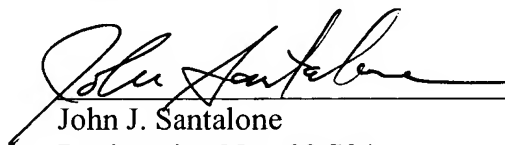
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January 29, 2007 Amendment to July 28, 2006 Office Action  
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August 29, 2003. Since the present application has an effective filing date of July 14, 2003, the Brunk, et al. reference is not prior art.

A check in the amount of \$1,020.00 is enclosed to cover the fee for a three-month extension of time. If any additional fees are due, or an overpayment has been made, please charge, or credit, our Deposit Account No. 11-0171 for such sum.

If the Examiner has any questions regarding the present application, the Examiner is cordially invited to contact Applicants' attorney at the telephone number provided below.

Respectfully submitted,

  
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